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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/008,802 | 11/13/2001 | Yong-Cheng Shi | 1952 | 7068 |
| 35157 | 7590 | 12/23/2003 | EXAMINER | |
| NATIONAL STARCH AND CHEMICAL COMPANY | | | BHAT, NINA NMN | |
| P.O. BOX 6500 | | | ART UNIT | |
| BRIDGEWATER, NJ 08807-3300 | | | PAPER NUMBER | |
| | | | 1761 | |

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------|--|
| Office Action Summary | Application No. 10/008,802 | Applicant(s) SHI ET AL. | |
| | Examiner N. Bhat | Art Unit 1761 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiu et al.

Chiu et al. teach a method of adhering seasonings to a food product by first coating the food product with a solution containing and effective amount of an amylase treated starch, the amylase treated starch is prepared by steam cooking starch, and enzymatically hydrolyzing the cooked starch with amylase in an amount and for a time sufficient to achieve a funnel viscosity measured at 19% solids using a standard funnel of 7 to 80 seconds and a dextrose equivalent (DE) of 2 to 40. [Note the abstract] The starch includes cereal or root starch or flour which include materials such as maize, rice, barley, wheat, sorghum, tapioca, potato and waxy versions as well as their corresponding flours, converted, acid treated starch, chemically modified starch can also be used as the starting materials. The amylase treated starch is a coating, which reads directly on applicant's glaze containing a converted starch in an amount of 25-65% and having a funnel viscosity from about 7 to less than 20 seconds. Specifically the funnel viscosity is between 7-80 seconds and does overlap with applicant's 7 to less than 20 seconds. After coating the food item Chiu et al. teach then adhering thereon at least one seasoning, flavorant or colorant and drying the food product. Chiu et al. teach

that the process can coat a number of food items which can include pastries, snack foods such as tortillas, bakery goods etc. The amylase treated starch coating used for adhering seasonings, flavorants or colorants on foods, fully anticipates applicant's method of glazing foods and glaze as claimed.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chiu'176 and Chiu et al.'284 teach food products containing modified starch emulsifier and foods opacified with debranched starch. Spanier et al. teach coating a canine biscuit with a glazing agent which includes a gelatin and modified food starch and a vegetable gum. Shoop et al. teach a browning and glazing composition for browning dough based food products which includes starch, water, vegetable gum or alginates, food acids and the pH is less than 4.5 there are no preservatives in this browning composition. Lang et al. teach a glaze composition for bakery products, which includes a water dispersion, or slurry, which includes an edible acid, preservative, dextrin and sugar. Cha et al. teach a surface coating for producing microbiologically stable baked goods which includes water, sorbic acid or salt thereof, kappa-carrageenan and the pH is between 3.5 to 5.5. Holscher et al. teach oil in water emulsion glazing agents which includes an edible oil, protein, dextrin and water and optionally includes an emulsifier like lecithin or xanthan gum.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 703-308-3879. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

A handwritten signature in black ink, appearing to read 'N. Bhat', with a stylized flourish at the end.

N. Bhat
Primary Examiner
Art Unit 1761